

Congress granted, to regulate greenhouse gas emissions to protect public health and the environment.

I would like to take a moment to consider where we are and how we got here.

At issue in the case is the question of whether EPA acted outside of its statutory authority when it promulgated in 2015 the Clean Power Plan, the CPP, which established guidelines for States to limit carbon dioxide emissions from powerplants. The Trump administration repealed the CPP and issued in its place the Affordable Clean Energy rule, which eliminated or deferred the guidelines. The U.S. Court of Appeals for the DC Circuit vacated the Affordable Clean Energy rule as arbitrary and capricious.

One of the challengers, North American Coal Corporation, challenged how broad the EPA's authority is to regulate greenhouse gas emissions.

Notably, the Clean Power Plan was never implemented. Yet several of the parties challenging the plan are asking the Supreme Court to issue a decision far beyond whether the CPP constitutes a reasonable interpretation of section 111(d) of the Clean Air Act. The challengers have put forth interpretations of two legal doctrines—the non-delegation and major questions doctrines—that could, if adopted, strip EPA of its authority to regulate greenhouse gases entirely.

The Supreme Court has spoken on the Clean Air Act. In 2007, in *Massachusetts v. EPA*, a Supreme Court decision ruled that EPA has the authority to regulate heat-trapping gases in vehicle emissions. The majority found that the Agency could not sidestep its authority to regulate greenhouse gases that contribute to global climate change unless it could prove a scientific basis for its refusal. There is none.

The same year, in *Environmental Defense v. Duke Energy*, the Court ruled unanimously with regards to the EPA's authority to regulate factories and powerplants that add capacity or make renovations that increase emissions of air pollutants.

In the current case of *West Virginia v. EPA*, I joined Chairman CARPER's amicus brief with nearly 200 Members of Congress. The brief illustrates EPA's authority under the Clean Air Act to protect the public from harmful pollution, reduce greenhouse gas emissions, and address the climate crisis. It also rejects arguments made by the petitioners challenging the EPA's authority to address carbon pollution. It is among a notable number of briefs filed in this case, many citing my home State of Maryland.

In their brief in support of the respondents, climate scientists observe that heavy rain and snowstorms across most of the United States have increased in both intensity and frequency since 2001. The Northeast region also faces flooding, particularly in the historic districts of cities like Annapolis,

MD—home to the U.S. Naval Academy—and Newport, RI, as well as portions of Washington, DC, near the Tidal Basin. For example, human-caused climate change made the exceptionally heavy precipitation and flooding events that occurred in 2018 in Pennsylvania, New Jersey, Maryland, and Washington, DC, up to 2.3 times more likely.

The Washington Post reported that more than 40 percent of Americans live in counties hit by climate-related disasters in 2021, including three in Maryland: St. Mary's County and Calvert County in Southern Maryland and Dorchester County along Maryland's Eastern Shore. According to FEMA data, each suffered declared disasters spawned by hurricanes.

Because of the vulnerability in my home State, I took direct action in 2019. I was proud to lead an effort with over 20 of my colleagues in a joint resolution providing for the congressional disapproval of the Trump administration's repeal of the Clean Power Plan.

Maryland is at risk not only to extreme weather events but also to slow-onset climate impacts that are equally damaging.

The National Park Conservation Association in its brief remarks on Maryland's cultural history:

The Harriet Tubman Underground Railroad National Historical Park is located in . . . Maryland. The approximate elevation of the park is a mere three feet above sea level and is surrounded by the inlets of the Chesapeake Bay. Viewed another way, 3 feet is half the depth of one-quarter of the bay.

As water levels continue to rise, this national historic park may be permanently lost.

The National Park Conservation Association's brief discusses the obligations Congress conferred on EPA to protect public lands and their resources.

On February 15, NOAA announced the interagency "Sea Level Rise Technical Report," which provides the most up-to-date sea level rise scenarios, available for all U.S. States and territories. The report projects sea levels along the coastline will rise an additional 10 to 12 inches by 2050, with specific amounts varying regionally, mainly due to land height changes.

This effort is a product of the interagency Sea Level Rise and Coastal Flood Hazard and Tool Task Force, comprised of NOAA, NASA, EPA, USGS, Department of Defense, FEMA, and the U.S. Army Corps of Engineers, as well as several academic institutions. The report leverages methods and insights from both the United Nations Intergovernmental Panel on Climate Change "Sixth Assessment Report" and supporting research from the U.S. Department of Defense regional sea level database. The report tells us that the United States is expected to experience as much sea level rise by the year 2050 as it witnessed in the previous 100 years, and it must serve as a wake-up call.

Maryland's urban and suburban centers, in addition to our rural commu-

nities and coasts, are in danger. The National League of Cities and the U.S. Conference of Mayors in their brief state that Baltimore, MD, as well as other major cities, including Washington, DC, Philadelphia, and Boston, have all experienced significant increases in exposure to wildfire smoke that prevailing winds carry across the country.

State and local governments are taking action. In their brief, the National League of Cities and the U.S. Conference of Mayors cite that in 2013, "Baltimore developed comprehensive responses—touching infrastructure, building codes, natural coastal barriers, and public services—to threats from rising seas, heat waves, and storms. [In central Maryland], Annapolis developed a first-in-the-nation Cultural Resources Hazard Mitigation Plan in 2018 to mitigate climate impacts on important cultural and historical landmarks, and the Eastern Shore Climate Adaptation Partnership has brought together local governments from across the Eastern Shore to prepare for climate impacts."

Private companies, too, are among subnational actors that are all-in on climate. Maryland's McCormick & Company has set a new, more ambitious goal for reducing greenhouse gas emissions 42 percent by 2030, after achieving its prior target of 20 percent by 2025—4 years earlier than expected. The spice manufacturer and Fortune 500 company has also announced a new commitment to achieve net zero emissions by 2050, in line with the enhanced U.S. National Determined Contribution Secretary Kerry delivered ahead of the COP26 meeting that occurred last year. But the company cannot mitigate climate change alone. The Federal Government must support it. The Clean Air Act is an essential tool by which we do so.

Through the Build Back Better agenda and elsewhere, Congress is taking an all-of-the-above strategy to combat climate change, complemented by the Biden administration's whole-of-government approach.

I am proud that the draft Senate Environment and Public Works Committee title to fulfill reconciliation instructions includes funding legislation to make Federal buildings greener. But more is needed. The legislation also includes funding for water utilities to enhance their resilience to natural hazards as authorized by the bipartisan Infrastructure Investment and Jobs Act.

The Supreme Court must tread carefully in curtailing any specific tool, including the Clean Air Act, and must not intercede where legislative efforts to curb EPA's authority have failed. Conversely, we must continue to pursue as many avenues as possible to deal with the climate crisis.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 692, Celeste Ann Wallander, of Maryland, to be an Assistant Secretary of Defense.

Charles E. Schumer, Jack Reed, Christopher A. Coons, Benjamin L. Cardin, Joe Manchin III, Catherine Cortez Masto, Debbie Stabenow, Tammy Baldwin, Christopher Murphy, Margaret Wood Hassan, Tammy Duckworth, Jeanne Shaheen, Michael F. Bennet, Tina Smith, Brian Schatz, Mark R. Warner, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Celeste Ann Wallander, of Maryland, to be an Assistant Secretary of Defense, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Arizona (Mr. KELLY), the Senator from New Mexico (Mr. LUJÁN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Pennsylvania (Mr. TOOMEY).

The yeas and nays resulted—yeas 81, nays 13, as follows:

[Rollcall Vote No. 56 Ex.]

YEAS—81

Baldwin	Grassley	Reed
Barrasso	Hassan	Risch
Bennet	Heinrich	Romney
Blumenthal	Hickenlooper	Rosen
Blunt	Hirono	Rounds
Booker	Hoeven	Rubio
Boozman	Hyde-Smith	Sasse
Brown	Inhofe	Schatz
Burr	Kaine	Schumer
Cantwell	Kennedy	Scott (FL)
Capito	King	Shaheen
Cardin	Klobuchar	Shelby
Carper	Leahy	Sinema
Casey	Manchin	Smith
Cassidy	Markey	Stabenow
Collins	Marshall	Sullivan
Coons	McConnell	Tester
Cornyn	Menendez	Thune
Cortez Masto	Merkley	Tillis
Cotton	Murkowski	Van Hollen
Cramer	Murphy	Warner
Crapo	Murray	Warnock
Daines	Ossoff	Warren
Duckworth	Padilla	Whitehouse
Durbin	Paul	Wicker
Fischer	Peters	Wyden
Gillibrand	Portman	Young

NAYS—13

Blackburn	Hawley	Moran
Braun	Johnson	Scott (SC)
Cruz	Lankford	Tuberville
Ernst	Lee	
Hagerty	Lummis	

NOT VOTING—6

Feinstein	Kelly	Sanders
Graham	Luján	Toomey

The PRESIDING OFFICER. On this vote, the yeas are 81, the nays 13.

The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 476, David A. Honey, of Virginia, to be Deputy Under Secretary of Defense.

Charles E. Schumer, Jack Reed, Richard Blumenthal, Catherine Cortez Masto, Richard J. Durbin, Sheldon Whitehouse, Jacky Rosen, Margaret Wood Hassan, Mark Kelly, Benjamin L. Cardin, Brian Schatz, Debbie Stabenow, Angus S. King, Jr., Patrick J. Leahy, Martin Heinrich, Tim Kaine, Gary C. Peters, Chris Van Hollen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of David A. Honey, of Virginia, to be Deputy Under Secretary of Defense, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Arizona (Mr. KELLY), and the Senator from New Mexico (Mr. LUJÁN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The yeas and nays resulted—yeas 93, nays 3, as follows:

[Rollcall Vote No. 57 Ex.]

YEAS—93

Baldwin	Hagerty	Portman
Barrasso	Hassan	Reed
Bennet	Heinrich	Risch
Blumenthal	Hickenlooper	Romney
Blunt	Hirono	Rosen
Booker	Hoeven	Rounds
Boozman	Hyde-Smith	Rubio
Braun	Inhofe	Sanders
Brown	Johnson	Sasse
Burr	Kaine	Schatz
Cantwell	Kennedy	Schumer
Capito	King	Scott (FL)
Cardin	Klobuchar	Scott (SC)
Carper	Lankford	Shaheen
Casey	Leahy	Shelby
Cassidy	Lee	Sinema
Collins	Lummis	Smith
Coons	Manchin	Stabenow
Cornyn	Markey	Sullivan
Cortez Masto	Marshall	Tester
Cotton	McConnell	Thune
Cramer	Menendez	Tillis
Crapo	Merkley	Toomey
Cruz	Moran	Van Hollen
Daines	Murkowski	Warner
Duckworth	Murphy	Warnock
Durbin	Murray	Warren
Ernst	Ossoff	Whitehouse
Fischer	Padilla	Wicker
Gillibrand	Paul	Wyden
Grassley	Peters	Young

NAYS—3

Blackburn	Hawley	Tuberville
-----------	--------	------------

NOT VOTING—4

Feinstein	Kelly
Graham	Luján

The PRESIDING OFFICER. On this vote, the yeas are 93, the nays are 3. The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David A. Honey, of Virginia, to be Deputy Under Secretary of Defense.

The PRESIDING OFFICER. The Senator from Ohio.

FEDERAL RESERVE BOARD NOMINATIONS

Mr. BROWN. Mr. President, this is a pivotal moment for our country and for our economy. Everyone understands we need a full Federal Reserve Board. Once we move the President's nominees and get them confirmed and get them sworn in, it will be the first time in nearly a decade that the Federal Reserve has had a full complement of seven Fed Governors. That is especially important with the upcoming meeting of the Federal Reserve in March because the Fed's job is to tackle inflation and bring prices down for American families.

It is a pretty simple equation. The President nominates. I mean, it didn't happen in the last few years, but the President nominates. We have hearings. We ask some questions. We send them followup questions. The nominees answer these questions. That is how this place works. That is a good thing about this place.

Then we call the vote in committee, and we vote yes or no. The job is vote yes or vote no and hope your side prevails.

And that is what Americans think we should do. Every day Americans get up, go to work, and do their jobs. But Senate Republicans didn't do theirs yesterday.

We had our markup, a meeting to confirm five—just five—nominees for the Federal Reserve. The Chair of the Federal Reserve, appointed originally by President Trump, has been renominated by President Biden. His nomination we were voting on; the Vice Chair, Lael Brainard, who has been on the Fed some time; and then three new Fed slots that have been vacant for some time: Sarah Bloom Raskin, who would be Vice Chair of Supervision, a very important job at the Fed; and the other two, also important jobs, Lisa Cook and Philip Jefferson. All five of these nominations we wanted to vote on yesterday.

Three weeks ago, Senator TOOMEY, the leading Republican on the committee, he and I agreed it would be yesterday; that the vote would be yesterday and we would meet at 2:15 and vote them up or down. And everybody—all 14 of us get a vote.

Well, under Senate rules, if one party doesn't want to play ball, they don't